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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	09/851,650
		Filing Date	May 8, 2001
		First Named Inventor	Philip J. BARR
		Group Art Unit	1652
		Examiner Name	K. Kerr
Total Number of Pages in This Submission	9	Attorney Docket Number	300622001610

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ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below)  Second Request for Corrected Filing Receipt (8 pages, including copy of marked-up copy of Filing Receipt, Initial Information Data Sheet & Utility Patent App. Transmittal) Return Receipt Postcard
Remarks		
 25225 PATENT TRADEMARK OFFICE		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual Name	MORRISON & FOERSTER LLP Brenda J. Wallach - 45,193
Signature	<i>Brenda J. Wallach</i>
Date	June 18, 2003

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: June 18, 2003

Signature: *Diane Blevins* (Diane Blevins)



PATENT  
Docket No. 300622001610

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Diane Blevins

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Philip J. BARR, et al.

Serial No.: 09/851,650

Filing Date: May 8, 2001

For: PRODUCTION OF POLYKETIDES IN  
BACTERIA AND YEAST

Examiner: Kathleen M. Kerr

Group Art Unit: 1652

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**SECOND REQUEST FOR CORRECTED FILING RECEIPT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Please furnish the undersigned with a corrected Filing Receipt for the above-identified application. The corrections needed are as follows and are indicated in bold lettering.

Please change the domestic priority data as follows:

THIS APPLICATION IS A DIV of 09/422,073 10/21/1999 PAT 6,258,566  
**WHICH IS A CON OF 08/989,332 12/11/1997 PAT 6,033,883**  
WHICH CLAIMS BENEFIT OF 60/033,193 12/18/1996

Attached hereto for ease of reference is a true and correct copy of the Initial Information Data Sheet and Utility Patent Application Transmittal filed along with the above-identified application on May 8, 2001.

A copy of the marked-up Corrected Filing Receipt is also attached.

In the unlikely event that the transmittal letter is separated from this request and the Patent Office determine that a fee is required, application petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952**, referencing Docket No. 300622001610.

Dated: June 18, 2003

Respectfully submitted,

By: Brenda J. Wallach  
Brenda J. Wallach  
Registration No. 45,193

Morrison & Foerster LLP  
3811 Valley Centre Drive  
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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/851,650	05/08/2001	1652	606	300622001610	7	39	5

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OCT 09 2001

MORRISON & FOERSTER  
SAN DIEGO

CONFIRMATION NO. 4395

UPDATED FILING RECEIPT



\*OC000000006860284\*

Carolyn A. Favorito  
Morrison & Foerster LLP  
Suite 500  
3811 Valley Centre Drive  
San Diego, CA 92130-2332

Date Mailed: 10/05/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Philip J. Barr, Oakland, CA;  
Daniel V. Santi, San Francisco, CA;  
Gary W. Ashley, Alameda, CA;  
Rainer Ziermann, San Mateo, CA;

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A DIV OF 09/422,073 10/21/1999 PAT 6,258,566  
WHICH CLAIMS BENEFIT OF 60/033,193 12/18/1996

## Foreign Applications

PCT/US97/23014 12/12/1997

WHICH IS A CON OF  
08/989,332 12/11/1997  
PAT 6,033,883

If Required, Foreign Filing License Granted 06/20/2001

Projected Publication Date: 01/17/2002

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

Title

* No Docketing Required *
Reviewed by Docketing
Initials <u>AKL</u>

## Production of polyketides in bacteria and yeast

## Preliminary Class

435

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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Bib Data Sheet

CONFIRMATION NO. 4395

<b>SERIAL NUMBER</b> 09/851,650	<b>FILING DATE</b> 05/08/2001 <b>RULE</b>	<b>CLASS</b> 435	<b>GROUP ART UNIT</b> 1652	<b>ATTORNEY DOCKET NO.</b> 300622001610
<b>APPLICANTS</b> Philip J. Barr, Oakland, CA; Daniel V. Santi, San Francisco, CA; Gary W. Ashley, Alameda, CA; Rainer Ziermann, San Mateo, CA;				
<b>** CONTINUING DATA *****</b> This application is a DIV of 09/422,073 10/21/1999 PAT 6,258,566 which is a CON of 08/989,332 12/11/1997 PAT 6,033,883 which claims benefit of 60/033,193 12/18/1996				
<b>** FOREIGN APPLICATIONS *****</b> UNITED STATES OF AMERICA PCT/US97/23014 12/12/1997				
<b>IF REQUIRED, FOREIGN FILING LICENSE GRANTED</b> ** 06/20/2001				
Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no 35 USC 119 (a-d) conditions <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after met Allowance		<b>STATE OR COUNTRY</b> CA	<b>SHEETS DRAWING</b> 7	<b>TOTAL CLAIMS</b> 39
Verified and Acknowledged Examiner's Signature _____ Initials _____		<b>INDEPENDENT CLAIMS</b> 5		
<b>ADDRESS</b> 25225				
<b>TITLE</b> Production of polyketides in bacteria and yeast				
<b>FILING FEE RECEIVED</b> 606	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees ( Filing ) <input type="checkbox"/> 1.17 Fees ( Processing Ext. of time ) <input type="checkbox"/> 1.18 Fees ( Issue ) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit	

## Initial Information Data Sheet

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### Application Information

Title Line One:	PRODUCTION OF POLYKETIDES
Title Line Two:	IN BACTERIA AND YEAST
Total Drawing Sheets:	Seven
Formal Drawings?:	Yes
Application Type:	Divisional
Docket Number:	300622001610

### Representative Information

Representative Customer Number:	25225
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### Continuity Information

This application claims priority to:	
> Application One:	09/422,073
Filing Date:	21 October, 1999 (now allowed)

which claims priority to:	
>> Application Two:	08/989,332
Filing Date:	11 December, 1997 (now granted, Pat. No. 6,033,883)

and also claims priority to:	
>>> Application Three:	60/033,193
Filing Date:	18 December, 1996

and also claims priority to:	
>>> Application Four:	
Filing Date:	



## Prior Foreign Applications

Foreign Application One:

Filing Date:

Country:

Priority Claimed:

PCT/US97/23014

12 December, 1997

PCT :

Yes

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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

JUN 24 2003

Only for new nonprovisional applications under 37 CFR 1.53(b)

Attorney Docket No. 300622001610

First Inventor

Phillip J. BARR; Daniel V. SANTI; Gary W. ASHLEY; Rainer  
ZIERMANN

Title

PRODUCTION OF POLYKETIDES IN BACTERIA AND YEAST

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**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

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Date of Deposit: May 8, 2001

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*Karen LePari*  
Karen LePari

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

**ADDRESS TO:**

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g. PTO/SB/17)  
(Submit an original, and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification  
(preferred arrangement set forth below)
  - Descriptive title of the Invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure

[Total Pages **38**]
4. ☒ Drawing(s) (35 USC 113) 

[Total Sheets **7**]
5. ☒ Oath or Declaration 

[Total Pages **2**]
- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 17 completed)
- i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
6. ☒ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement  
(where there is an assignee) ☐ Power of Attorney
11. ☐ English Translation document (if applicable)
12. ☐ Information Disclosure Statement  
(IDS)PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
Should be specifically itemized
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation

☒ DIVISIONAL OF PRIOR APPLICATION No: 09/422,073 FILED OCTOBER 21, 1999

THIS APPLICATION ALSO CLAIMS PRIORITY TO 08/989,332 FILED 11 DECEMBER 1997; AND PROVISIONAL U.S. PATENT APPLICATION SERIAL NO. 60/033,193, FILED 18 DECEMBER 1996.

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. This incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

☐ Customer Number or Bar Code Label



25225

PATENT TRADEMARK OFFICE

(Insert Customer No. or Attach bar code label here)

or ☐ Correspondence address below

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Signature	<i>Car A</i>
Date	May 8, 2001

sd-39127